

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

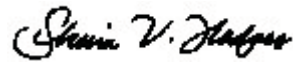
Tyrone Ellison,)	C/A No.: 1:10-2587-SB-SVH
)	
Plaintiff,)	
)	
vs.)	
)	REPORT AND RECOMMENDATION
Warden Willie L. Eagleton; Major)	
Steven Nolan; DHO Annie Mae Sellers;)	
IGC A. Graces; sued in their individual)	
capacity; et al; S.C. Dept. of Corrections;)	
Evans Correctional Institution; sued in)	
their individual and official capacity,)	
)	
Defendants.)	
_____)	

Plaintiff filed this action, which is construed as alleging violations of 42 U.S.C. § 1983. Defendants filed a motion for summary judgment on January 14, 2011. [Entry #17]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on January 14, 2011, advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. [Entry #18]. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motions.

On March 10, 2011, the court ordered Plaintiff to advise whether he wished to continue with the case by March 24, 2011. [Entry #31]. Plaintiff has filed no response. As such, it appears to the court that he does not oppose the motion and wishes to abandon

this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

March 25, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge